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Attorneys for Defendant
 SUNWARE COMPUTER INC.

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

10 SUN MICROSYSTEMS, INC., 11 a Delaware corporation, 12 13 vs. 14 SUNWARE COMPUTER, INC., 15 a California corporation, 16 Defendant.) Case No. C 09-03564 MHP)) SECOND STIPULATION AND) [PROPOSED] ORDER EXTENDING Plaintiff,) SUNWARE COMPUTER INC.'S TIME) TO ANSWER COMPLAINT AND) EXTENDING INITIAL CASE) MANAGEMENT CONFERENCE AND) ADR DEADLINES) [Fed. R. Civ. P. 6(b)])))
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Plaintiff Sun Microsystems, Inc. filed its Complaint for Damages and Injunctive Relief on August 4, 2009 against Sunware Computer, Inc.

Plaintiff served Sunware Computer, Inc. on August 6, 2009. The proof of service has not yet been filed. On August 19, 2009, both Parties stipulated to a thirty (30) day extension of time by which Defendant is to respond to the Complaint. The Court approved this extension on August 20, 2009 [Docket No. 7] and Defendant now has until September 25, 2009 to file its response.

SECOND STIPULATION AND [PROPOSED] ORDER EXTENDING DEFENDANT'S TIME TO ANSWER
 COMPLAINT AND EXTENDING INITIAL CMC AND ADR DEADLINES
 CASE NO. C 09-03564 MHP

1 Since that time, the Parties have reached a resolution but require additional time to
2 finalize the resolution. As such, the Parties have agreed to a further thirty-day extension of
3 time as to both Defendant's time to respond to the Complaint and the associated Case
4 Management and ADR deadlines.

5 **I. DEFENDANT'S TIME TO ANSWER**

6 The Parties stipulate and respectfully request that the time within which Defendant may
7 respond to the Complaint filed by Plaintiff be extended by this Court from September 25, 2009
8 to October 25, 2009 or such date as this Court may order.

9 The Parties believe good cause exists for the Court to grant an extension of time for
10 Sunware Computer, Inc. to respond to Plaintiff's Complaint because the Parties are in the final
11 stages of formalizing a resolution.

12 **II. CASE MANAGEMENT AND ALTERNATIVE DISPUTE RESOLUTION DEADLINES**

13 The Parties further stipulate and respectfully request that this Court also extend by thirty
14 (30) days, or as soon thereafter as the Court deems convenient, the initial case management and
15 alternative dispute resolution deadlines as set forth in this Court's Order dated August 20, 2009
16 [Docket No. 7] as follows:

17 1. Last day to meet and confer re: initial disclosures, early settlement, ADR process
18 selection, and discovery plan; file joint ADR Certification with Stipulation to ADR Process or
19 notice of Need for ADR Phone conference is extended to December 25, 2009;

20 2. Last day to complete initial disclosures or state objection in Rule 26(f) Report,
21 file Case Management Statement and file/serve Rule 26(f) Report is extended to January 8,
22 2010; and
23
24
25

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF MARIN

I am employed in the County of Marin, State of California; my business address is 711 Grand Avenue, Suite 260, San Rafael, California 94901; I am over the age of 18 and not a party to the within action. On this date I served the following documents:

**SECOND STIPULATION AND [PROPOSED] ORDER EXTENDING SUNWARE
COMPUTER INC.'S TIME TO ANSWER COMPLAINT AND EXTENDING INITIAL
CASE MANAGEMENT CONFERENCE AND ADR DEADLINES**

on the parties shown below:

Jedediah Wakefield, Esq.
Fenwick & West LLP
555 California Street, 12th Floor
San Francisco, CA 94104

Eric Ball, Esq.
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

Attorneys for Plaintiff
Sun Microsystems, Inc.

☐ (BY FAX) I am readily familiar with the firm's practice of facsimile transmission; on this date the above-referenced documents were transmitted, the transmission was reported as complete and without error and the report was properly issued.

☒ (BY MAIL) I am readily familiar with the firm's practice for the processing of mail; on this date, the above-referenced documents were placed for collection and delivery by the U.S. Postal Service following ordinary business practices.

☐ (BY OVERNIGHT DELIVERY) I am readily familiar with the firm's practice for the processing of documents for delivery services; on this date, the above-referenced documents were placed for collection and delivery following ordinary business practices.

☐ (BY ELECTRONIC FILING) On this date I provided the documents(s) listed above electronically through the Court's electronic filing service provider pursuant to the instructions on that website.

☐ (BY E-MAIL) On this date, the above-referenced documents were converted to Adobe files and e-mailed to the addresses shown.

☐ (BY PERSONAL SERVICE) I caused the above documents to be delivered by hand pursuant to CCP § 1011.

☒ Federal: I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

State: I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed this 24 day of September, 2009 at San Rafael, California.

Kristin N. de la Vega

PROOF OF SERVICE
Case No. C 09-03564